

# EXHIBIT 5

**From:** [Fisher, Ramsey W.](#)  
**To:** [Scheinman, Aaron](#); [Campbell, Benjamin E.](#); [Christian Andreu-von Euw](#); [Martino-Weinhardt, Matthaeus H.](#)  
**Subject:** FW: [1735] Order  
**Date:** Wednesday, December 20, 2023 2:28:41 PM

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**From:** Cross, David D. <[DCross@mofo.com](mailto:DCross@mofo.com)>

**Date:** Wednesday, Dec 20, 2023 at 11:19 AM

**To:** Vincent Russo <[vrusso@robbinsfirm.com](mailto:vrusso@robbinsfirm.com)>, Harry Martin <[Harry\\_Martin@gand.uscourts.gov](mailto:Harry_Martin@gand.uscourts.gov)>, Bryan Tyson <[btyson@taylorenghish.com](mailto:btyson@taylorenghish.com)>, Robert McGuire <[ram@lawram.com](mailto:ram@lawram.com)>, Alexander Denton <[Alexander.Denton@robbinsfirm.com](mailto:Alexander.Denton@robbinsfirm.com)>, bbrown@brucepbrownlaw.com <[bbrown@brucepbrownlaw.com](mailto:bbrown@brucepbrownlaw.com)>, Bryan Jacoutot <[bjacoutot@taylorenghish.com](mailto:bjacoutot@taylorenghish.com)>, cichter@ichterdavis.com <[cichter@ichterdavis.com](mailto:cichter@ichterdavis.com)>, cino@khlawfirm.com <[cino@khlawfirm.com](mailto:cino@khlawfirm.com)>, Carey Miller <[carey.miller@robbinsfirm.com](mailto:carey.miller@robbinsfirm.com)>, hknapp@khlawfirm.com <[hknapp@khlawfirm.com](mailto:hknapp@khlawfirm.com)>, Josh Belinfante <[Josh.Belinfante@robbinsfirm.com](mailto:Josh.Belinfante@robbinsfirm.com)>, Javier Pico-Prats <[javier.picoprats@robbinsfirm.com](mailto:javier.picoprats@robbinsfirm.com)>, sparks@khlawfirm.com <[sparks@khlawfirm.com](mailto:sparks@khlawfirm.com)>, Kaiser, Mary <[MKaiser@mofo.com](mailto:MKaiser@mofo.com)>, Fisher, Ramsey W. <[RamseyFisher@mofo.com](mailto:RamseyFisher@mofo.com)>, Conaway, Jenna B. <[JConaway@mofo.com](mailto:JConaway@mofo.com)>, Diane LaRoss <[dlaross@taylorenghish.com](mailto:dlaross@taylorenghish.com)>

**Subject:** RE: [1735] Order

Vincent -

The inspection computer will be Windows-based. If you have further questions, please let us know. And we likely can drop Mr. Martin to save his inbox.

Best,  
DC

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**From:** Cross, David D. <[DCross@mofo.com](mailto:DCross@mofo.com)>

**Date:** Wednesday, Dec 20, 2023 at 1:59 PM

**To:** Vincent Russo <[vrusso@robbinsfirm.com](mailto:vrusso@robbinsfirm.com)>, Harry Martin <[Harry\\_Martin@gand.uscourts.gov](mailto:Harry_Martin@gand.uscourts.gov)>, Bryan Tyson <[btyson@taylorenghish.com](mailto:btyson@taylorenghish.com)>, Robert McGuire <[ram@lawram.com](mailto:ram@lawram.com)>, Alexander Denton <[Alexander.Denton@robbinsfirm.com](mailto:Alexander.Denton@robbinsfirm.com)>, bbrown@brucepbrownlaw.com <[bbrown@brucepbrownlaw.com](mailto:bbrown@brucepbrownlaw.com)>, Bryan Jacoutot <[bjacoutot@taylorenghish.com](mailto:bjacoutot@taylorenghish.com)>, cichter@ichterdavis.com <[cichter@ichterdavis.com](mailto:cichter@ichterdavis.com)>, cino@khlawfirm.com <[cino@khlawfirm.com](mailto:cino@khlawfirm.com)>, Carey Miller <[carey.miller@robbinsfirm.com](mailto:carey.miller@robbinsfirm.com)>, hknapp@khlawfirm.com <[hknapp@khlawfirm.com](mailto:hknapp@khlawfirm.com)>, Josh Belinfante <[Josh.Belinfante@robbinsfirm.com](mailto:Josh.Belinfante@robbinsfirm.com)>, Javier Pico-Prats <[javier.picoprats@robbinsfirm.com](mailto:javier.picoprats@robbinsfirm.com)>, sparks@khlawfirm.com <[sparks@khlawfirm.com](mailto:sparks@khlawfirm.com)>, Kaiser, Mary <[MKaiser@mofo.com](mailto:MKaiser@mofo.com)>, Fisher, Ramsey W. <[RamseyFisher@mofo.com](mailto:RamseyFisher@mofo.com)>, Conaway, Jenna B. <[JConaway@mofo.com](mailto:JConaway@mofo.com)>, Diane LaRoss <[dlaross@taylorenghish.com](mailto:dlaross@taylorenghish.com)>

**Subject:** RE: [1735] Order

Vincent –

You have not at any point suggested that there are any – much less many – “unknowns regarding the protocol” for this inspection. You’ve not asked us any questions about the protocol or the inspection before now. As you know, we invited you to meet with us last week to try to work out a mutual protocol, and you refused, instead insisting on unilaterally providing your own protocol to the Court without sharing it with us in advance. You’ve also not conferred with us on the inspection since then other than on the date. If you have specific questions, please simply send them to us and we will provide whatever answers we can in consultation with Dr. Halderman. I can tell you that all the code for inspection will be on a single computer for review, per the protocol we provided; and I will get back to you asap on whether it’s Windows, Mac, or Linux based. We reiterate our offer to meet with you on this as well, which may be more productive than exchanging emails. Again, if you would simply engage with us cooperatively rather than taking a my-way-or-the-highway approach and declining our offers to work with you, these things would go much more smoothly. Just let us know what more you need, and we will do what we can.

Best,  
DC

**DAVID D. CROSS**  
**CHAIR OF ANTITRUST LITIGATION PRACTICE**  
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**From:** Vincent Russo <vrusso@robbinsfirm.com>  
**Sent:** Wednesday, December 20, 2023 1:45 PM  
**To:** Harry Martin <Harry\_Martin@gand.uscourts.gov>; Cross, David D. <DCross@mofo.com>; Bryan Tyson <btyson@taylorenghish.com>; Robert McGuire <ram@lawram.com>; Alexander Denton <Alexander.Denton@robbinsfirm.com>; bbrown@brucepbrownlaw.com; Bryan Jacoutot <bjacoutot@taylorenghish.com>; cichter@ichterdavis.com; cino@khlawfirm.com; Carey Miller <carey.miller@robbinsfirm.com>; hknapp@khlawfirm.com; Josh Belinfante <Josh.Belinfante@robbinsfirm.com>; Javier Pico-Prats <javier.picoprats@robbinsfirm.com>; sparks@khlawfirm.com; Kaiser, Mary <MKaiser@mofo.com>; Fisher, Ramsey W. <RamseyFisher@mofo.com>; Conaway, Jenna B. <JConaway@mofo.com>; Diane LaRoss <dlaross@taylorenghish.com>  
**Subject:** RE: [1735] Order

**External Email**

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Mr. Martin,

We appreciate the Court’s consideration of the matter, but to clarify, we did not seek a continuance and, for preservation purposes, we request that the email chain below be filed on the docket. Defendants continue to assert their objection to the review protocol and timing for the review. There are many unknowns remaining regarding the protocol, which also makes the task nearly impossible to complete. Among other things, our experts need to know if the laptop that Dr. Halderman will provide is a Windows, Mac, or Linux based system, and if the entire code set will be on that laptop. That aside, however, we understand the Court’s position and have received confirmation just now that Mr. Persinger’s habeas petition can be moved to later in January. Dr. Adida is

unavailable before January 9th due to election preparations with VotingWorks, but we are diligently working to make January 4th work.

Best regards,

Vincent

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**Vincent Russo**

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**From:** Harry Martin <[Harry\\_Martin@gand.uscourts.gov](mailto:Harry_Martin@gand.uscourts.gov)>

**Sent:** Wednesday, December 20, 2023 10:13 AM

**To:** Cross, David D. <[DCross@mofo.com](mailto:DCross@mofo.com)>; Vincent Russo <[vrusso@robbinsfirm.com](mailto:vrusso@robbinsfirm.com)>; Bryan Tyson <[btyson@taylorenglish.com](mailto:btyson@taylorenglish.com)>; Robert McGuire <[ram@lawram.com](mailto:ram@lawram.com)>; Alexander Denton <[Alexander.Denton@robbinsfirm.com](mailto:Alexander.Denton@robbinsfirm.com)>; [bbrown@brucepbrownlaw.com](mailto:bbrown@brucepbrownlaw.com); Bryan Jacoutot <[bjacoutot@taylorenglish.com](mailto:bjacoutot@taylorenglish.com)>; [cichter@ichterdavis.com](mailto:cichter@ichterdavis.com); [cino@khlawfirm.com](mailto:cino@khlawfirm.com); Carey Miller <[carey.miller@robbinsfirm.com](mailto:carey.miller@robbinsfirm.com)>; [hknapp@khlawfirm.com](mailto:hknapp@khlawfirm.com); Josh Belinfante <[Josh.Belinfante@robbinsfirm.com](mailto:Josh.Belinfante@robbinsfirm.com)>; Javier Pico-Prats <[javier.picoprats@robbinsfirm.com](mailto:javier.picoprats@robbinsfirm.com)>; [sparks@khlawfirm.com](mailto:sparks@khlawfirm.com); Kaiser, Mary <[MKaiser@mofo.com](mailto:MKaiser@mofo.com)>; Fisher, Ramsey W. <[RamseyFisher@mofo.com](mailto:RamseyFisher@mofo.com)>; Conaway, Jenna B. <[JConaway@mofo.com](mailto:JConaway@mofo.com)>; Diane LaRoss <[dlaross@taylorenglish.com](mailto:dlaross@taylorenglish.com)>

**Subject:** RE: [1735] Order

Good morning counsel:

The Court will not permit a continuance of the trial at this late juncture. However, Plaintiffs' counsel seems to have misunderstood the Court's order that allows "up to" two full business days for the inspection. That said, as Defendants may not be able to arrange for two full or separate days in the limited timeframe here, Defendants may only be able to conduct the inspection on a single day, with extended hours if necessary (for example, on January 4). If Mr. Persinger and/or Dr. Gilbert are not available to conduct the inspection before the start of trial, then Defendants may use one of the other four experts previously identified (consulting or otherwise). As the Court understands it, Plaintiffs have proposed six date options (12/19, 12/20, 12/27, 12/28, 1/3, and 1/4), which are reasonable options under the circumstances. The Court will require that any inspection be conducted prior to the start of trial on January 9. To be clear, this was a compromise. Neither parties' method of dealing with this issue earlier in the litigation was without defect.

On another note, the Court intends to issue an order on the other outstanding matters by this evening.

Harry F. Martin  
Courtroom Deputy Clerk  
to the Honorable Amy Totenberg  
2388 United States Courthouse  
75 Ted Turner Dr., S.W.  
Atlanta, Georgia 30303-3309  
(404) 215-1437

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**From:** Cross, David D. <[DCross@mofo.com](mailto:DCross@mofo.com)>

**Sent:** Tuesday, December 19, 2023 8:17 PM

**To:** Harry Martin <[Harry\\_Martin@gand.uscourts.gov](mailto:Harry_Martin@gand.uscourts.gov)>; Vincent Russo <[vrusso@robbinsfirm.com](mailto:vrusso@robbinsfirm.com)>; Bryan Tyson <[btyson@taylorenglish.com](mailto:btyson@taylorenglish.com)>; Robert McGuire <[ram@lawram.com](mailto:ram@lawram.com)>; Alexander Denton

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 <[JConaway@mofo.com](mailto:JConaway@mofo.com)>; Diane LaRoss <[dlaross@taylorenglish.com](mailto:dlaross@taylorenglish.com)>

**Subject:** RE: [1735] Order

**CAUTION - EXTERNAL:**

Dear Mr. Martin -

I've consulted Drs. Halderman and Springall and the Coalition's counsel, Bruce Brown, on this further. In our continuing effort to do all that we can to try to resolve this, we are prepared to have defendants and their experts do the inspection on January 12 on the condition that trial still begins as scheduled on January 9 and proceeds without any change or delay, including proceeding on January 12.

Delaying the trial would be an extraordinary hardship for plaintiffs, especially the smaller firms, as Mr. Brown emphasized, because they have even less flexibility in their schedules. We all have signed contracts with hotels, vendors, and consultants at substantial expense that we will have to pay beginning January 9 no matter what. We also have numerous witnesses who have arranged their schedules to accommodate the January 9 start. The prejudice to plaintiffs from any delay with the trial cannot be overstated.

If the Court feels it cannot for some reason require defendants to make themselves available to do this earlier than January 12 — even though plaintiffs and their experts have made themselves available for six different days and asked for additional availability from defendants before January 9 — then plaintiffs and their experts will make January 12 work to try to resolve this dispute. But again, trial needs to begin on January 9 and continue without interruption, including on January 12, until completed in January. That said, we do feel strongly that defendants should be required to make themselves available before January 9 as the Court directed. We find ourselves in this situation because defendants did not so much as mention this issue for years. That they now refuse to prioritize this suggests it's actually not important to them or their experts.

Hopefully this may help resolve this dispute.

Best,  
 DC

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**From:** Harry Martin <[Harry\\_Martin@gand.uscourts.gov](mailto:Harry_Martin@gand.uscourts.gov)>

**Date:** Tuesday, Dec 19, 2023 at 6:24 PM

**To:** Cross, David D. <[DCross@mofo.com](mailto:DCross@mofo.com)>, Vincent Russo <[vrusso@robbinsfirm.com](mailto:vrusso@robbinsfirm.com)>, Bryan Tyson  
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 Diane LaRoss <[dlaross@taylorenglish.com](mailto:dlaross@taylorenglish.com)>

**Subject:** Re: [1735] Order

**External Email**

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Thank you

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**From:** Cross, David D. <[DCross@mofo.com](mailto:DCross@mofo.com)>

**Sent:** Tuesday, December 19, 2023 6:15:41 PM

**To:** Vincent Russo <[vrusso@robbinsfirm.com](mailto:vrusso@robbinsfirm.com)>; Bryan Tyson <[btyson@taylorenghish.com](mailto:btyson@taylorenghish.com)>; Robert McGuire <[ram@lawram.com](mailto:ram@lawram.com)>; Alexander Denton <[Alexander.Denton@robbinsfirm.com](mailto:Alexander.Denton@robbinsfirm.com)>; [bbrown@brucepbrownlaw.com](mailto:bbrown@brucepbrownlaw.com) <[bbrown@brucepbrownlaw.com](mailto:bbrown@brucepbrownlaw.com)>; Bryan Jacoutot <[bjacoutot@taylorenghish.com](mailto:bjacoutot@taylorenghish.com)>; [cichter@ichterdavis.com](mailto:cichter@ichterdavis.com) <[cichter@ichterdavis.com](mailto:cichter@ichterdavis.com)>; [cino@khlawfirm.com](mailto:cino@khlawfirm.com) <[cino@khlawfirm.com](mailto:cino@khlawfirm.com)>; Carey Miller <[carey.miller@robbinsfirm.com](mailto:carey.miller@robbinsfirm.com)>; [hknapp@khlawfirm.com](mailto:hknapp@khlawfirm.com) <[hknapp@khlawfirm.com](mailto:hknapp@khlawfirm.com)>; Josh Belinfante <[Josh.Belinfante@robbinsfirm.com](mailto:Josh.Belinfante@robbinsfirm.com)>; Javier Pico-Prats <[javier.picoprats@robbinsfirm.com](mailto:javier.picoprats@robbinsfirm.com)>; [sparks@khlawfirm.com](mailto:sparks@khlawfirm.com) <[sparks@khlawfirm.com](mailto:sparks@khlawfirm.com)>; Kaiser, Mary <[MKaiser@mofo.com](mailto:MKaiser@mofo.com)>; Fisher, Ramsey W. <[RamseyFisher@mofo.com](mailto:RamseyFisher@mofo.com)>; Conaway, Jenna B. <[JConaway@mofo.com](mailto:JConaway@mofo.com)>; Diane LaRoss <[dlaross@taylorenghish.com](mailto:dlaross@taylorenghish.com)>; Harry Martin <[Harry\\_Martin@gand.uscourts.gov](mailto:Harry_Martin@gand.uscourts.gov)>

**Subject:** RE: [1735] Order

**CAUTION - EXTERNAL:**

Dear Mr. Martin -

I'm very sorry to bother the Court with this, but we have been unable to arrange the inspection the Court ordered in Michigan. As the Court will see below, we have offered six different dates over three weeks, including agreeing to the *only date* defendants themselves have suggested, January 4, which they've declined to commit to. They have not offered any dates that they say actually work for them except January 12, and they now say they're going to seek a continuance of the trial. We've asked them for all their availability in the weeks leading up to the January 9 trial date. They have provided nothing before January 12, nor have they provided specifics on whatever conflict Dr. Gilbert purportedly has over the next several weeks.

We strenuously object to a continuance because (among other reasons), as we have explained, this trial absolutely must be finished in the month of January.

We and Dr. Halderman are doing everything we can to accommodate this inspection, including rearranging a variety of obligations to offer six different days over three weeks. And we are getting only inflexibility on the other side, which increasingly seems intended to delay the trial. We don't believe insisting on a single date after the start of trial is consistent with what the Court directed, and we've no ability on our own to get additional availability from defendants.

We honestly don't know what more we can do at this point, since we cannot get any availability out of the other side to make this work before the trial. We would appreciate the Court's guidance at its earliest opportunity.

Best,  
DC

---

**From:** Cross, David D. <[DCross@mofo.com](mailto:DCross@mofo.com)>

**Date:** Tuesday, Dec 19, 2023 at 3:49 PM

**To:** Vincent Russo <[vrusso@robbinsfirm.com](mailto:vrusso@robbinsfirm.com)>, Bryan Tyson <[btyson@taylorenghish.com](mailto:btyson@taylorenghish.com)>, Robert McGuire <[ram@lawram.com](mailto:ram@lawram.com)>, Alexander Denton <[Alexander.Denton@robbinsfirm.com](mailto:Alexander.Denton@robbinsfirm.com)>, [bbrown@brucepbrownlaw.com](mailto:bbrown@brucepbrownlaw.com) <[bbrown@brucepbrownlaw.com](mailto:bbrown@brucepbrownlaw.com)>, Bryan Jacoutot <[bjacoutot@taylorenghish.com](mailto:bjacoutot@taylorenghish.com)>, [cichter@ichterdavis.com](mailto:cichter@ichterdavis.com) <[cichter@ichterdavis.com](mailto:cichter@ichterdavis.com)>, [cinokhlawfirm.com](mailto:cinokhlawfirm.com) <[cinokhlawfirm.com](mailto:cinokhlawfirm.com)>, Carey Miller <[carey.miller@robbinsfirm.com](mailto:carey.miller@robbinsfirm.com)>, [hknapp@khlawfirm.com](mailto:hknapp@khlawfirm.com) <[hknapp@khlawfirm.com](mailto:hknapp@khlawfirm.com)>, Josh Belinfante <[Josh.Belinfante@robbinsfirm.com](mailto:Josh.Belinfante@robbinsfirm.com)>, Javier Pico-Prats <[javier.picoprats@robbinsfirm.com](mailto:javier.picoprats@robbinsfirm.com)>, [sparks@khlawfirm.com](mailto:sparks@khlawfirm.com) <[sparks@khlawfirm.com](mailto:sparks@khlawfirm.com)>, Kaiser, Mary <[MKaiser@mofo.com](mailto:MKaiser@mofo.com)>, Fisher, Ramsey W. <[RamseyFisher@mofo.com](mailto:RamseyFisher@mofo.com)>, Conaway, Jenna B. <[JConaway@mofo.com](mailto:JConaway@mofo.com)>, Diane LaRoss <[dlaross@taylorenghish.com](mailto:dlaross@taylorenghish.com)>

**Subject:** RE: [1735] Order

Vincent -

I don't understand your response. We've provided you six dates over three weeks — including the only date you suggested, January 4. We've never said that the inspection has to be on back-to-back days. You could have one of your experts come with Bryan one day next week and the other come the following week. You could've had one or both of your experts come this week. My point below was simply that if you have your experts come on separate days, each will be limited to an afternoon or morning. We will not do two full days, as that is not what the judge ordered.

We have long suspected that you raised this issue at the last minute for the very purpose of creating an excuse to delay the trial, because you have no defense on the merits. Your refusal to make even one of six days work across three weeks confirms that. This is especially true given that we have agreed to the only date you've suggested yourself, January 4. And you've not offered any explanation of any purported conflict for Dr. Gilbert during a span of three weeks.

We of course will oppose your request for a continuance. Please include this correspondence with your request so the court has the facts of what has transpired here and your refusal once again to work with us in good faith to accommodate this very belated request over a span of three weeks in the middle of the holidays on the eve of trial.

Best,  
DC

---

**From:** Vincent Russo <[vrusso@robbinsfirm.com](mailto:vrusso@robbinsfirm.com)>

**Date:** Tuesday, Dec 19, 2023 at 3:41 PM

**To:** Cross, David D. <[DCross@mofo.com](mailto:DCross@mofo.com)>, Bryan Tyson <[btyson@taylorenghish.com](mailto:btyson@taylorenghish.com)>, Robert McGuire <[ram@lawram.com](mailto:ram@lawram.com)>, Alexander Denton <[Alexander.Denton@robbinsfirm.com](mailto:Alexander.Denton@robbinsfirm.com)>, [bbrown@brucepbrownlaw.com](mailto:bbrown@brucepbrownlaw.com) <[bbrown@brucepbrownlaw.com](mailto:bbrown@brucepbrownlaw.com)>, Bryan Jacoutot <[bjacoutot@taylorenghish.com](mailto:bjacoutot@taylorenghish.com)>, [cichter@ichterdavis.com](mailto:cichter@ichterdavis.com) <[cichter@ichterdavis.com](mailto:cichter@ichterdavis.com)>, [cinokhlawfirm.com](mailto:cinokhlawfirm.com) <[cinokhlawfirm.com](mailto:cinokhlawfirm.com)>, Carey Miller <[carey.miller@robbinsfirm.com](mailto:carey.miller@robbinsfirm.com)>, [hknapp@khlawfirm.com](mailto:hknapp@khlawfirm.com) <[hknapp@khlawfirm.com](mailto:hknapp@khlawfirm.com)>, Josh Belinfante <[Josh.Belinfante@robbinsfirm.com](mailto:Josh.Belinfante@robbinsfirm.com)>, Javier Pico-Prats <[javier.picoprats@robbinsfirm.com](mailto:javier.picoprats@robbinsfirm.com)>, [sparks@khlawfirm.com](mailto:sparks@khlawfirm.com) <[sparks@khlawfirm.com](mailto:sparks@khlawfirm.com)>, Kaiser, Mary <[MKaiser@mofo.com](mailto:MKaiser@mofo.com)>, Fisher, Ramsey W. <[RamseyFisher@mofo.com](mailto:RamseyFisher@mofo.com)>, Conaway, Jenna B. <[JConaway@mofo.com](mailto:JConaway@mofo.com)>, Diane LaRoss <[dlaross@taylorenghish.com](mailto:dlaross@taylorenghish.com)>

**Subject:** RE: [1735] Order

**External Email**

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David,

The Order does not require the two-day review to occur on back-to-back days. The order requires the parties “to confer in good faith about the two dates upon which the inspection shall occur.” It also states that the parties can modify the inspection schedule, for example by agreeing to “a 12-hour inspection on a single date or may determine that inspection for one afternoon and another morning is all that is necessary, etc.” You keep offering back-to-back dates for the two-day review that we have told you do not work. Our people have legitimate conflicts, so we will ask the court for a continuance.

Thanks,

Vincent

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**Vincent Russo**

T: 404 856 3260 | E: [vrusso@robbinsfirm.com](mailto:vrusso@robbinsfirm.com)

---

**From:** Cross, David D. <[DCross@mofo.com](mailto:DCross@mofo.com)>

**Sent:** Tuesday, December 19, 2023 3:14 PM

**To:** Vincent Russo <[vrusso@robbinsfirm.com](mailto:vrusso@robbinsfirm.com)>; Bryan Tyson <[btyson@taylorenghish.com](mailto:btyson@taylorenghish.com)>; Robert McGuire <[ram@lawram.com](mailto:ram@lawram.com)>; Alexander Denton <[Alexander.Denton@robbinsfirm.com](mailto:Alexander.Denton@robbinsfirm.com)>; [bbrown@brucepbrownlaw.com](mailto:bbrown@brucepbrownlaw.com); Bryan Jacoutot <[bjacoutot@taylorenghish.com](mailto:bjacoutot@taylorenghish.com)>; [cichter@ichterdavis.com](mailto:cichter@ichterdavis.com); [cino@khlawfirm.com](mailto:cino@khlawfirm.com); Carey Miller <[carey.miller@robbinsfirm.com](mailto:carey.miller@robbinsfirm.com)>; [hknapp@khlawfirm.com](mailto:hknapp@khlawfirm.com); Josh Belinfante <[Josh.Belinfante@robbinsfirm.com](mailto:Josh.Belinfante@robbinsfirm.com)>; Javier Pico-Prats <[javier.picoprats@robbinsfirm.com](mailto:javier.picoprats@robbinsfirm.com)>; [sparks@khlawfirm.com](mailto:sparks@khlawfirm.com); Kaiser, Mary <[MKaiser@mofo.com](mailto:MKaiser@mofo.com)>; Fisher, Ramsey W. <[RamseyFisher@mofo.com](mailto:RamseyFisher@mofo.com)>; Conaway, Jenna B. <[JConaway@mofo.com](mailto:JConaway@mofo.com)>; Diane LaRoss <[dlaross@taylorenghish.com](mailto:dlaross@taylorenghish.com)>

**Subject:** RE: [1735] Order

Hi Vincent -

Dr. Halderman can be available January 3-4, 2024. We've now offered six dates across three weeks. Your team needs to make those work. We will oppose any continuance of the trial as highly prejudicial. As the Judge said, she's bending over backwards to accommodate you guys on this when you went silent on it for years. Your team



and your experts need to prioritize this accordingly.

Also, to be clear, the Judge ordered a one-day inspection. As she noted, you can split that day across two days (eg, an afternoon one day and a morning the next), or you can do a single 12-hour day. If you opt to have your two experts go on separate days, each will be limited to an afternoon or morning as explained in the Court's Order.

Best,

DC

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**From:** Vincent Russo <[vrusso@robbinsfirm.com](mailto:vrusso@robbinsfirm.com)>

**Date:** Tuesday, Dec 19, 2023 at 2:39 PM

**To:** Cross, David D. <[DCross@mofo.com](mailto:DCross@mofo.com)>, Bryan Tyson <[btyson@taylorenghish.com](mailto:btyson@taylorenghish.com)>, Robert McGuire <[ram@lawram.com](mailto:ram@lawram.com)>, Alexander Denton <[Alexander.Denton@robbinsfirm.com](mailto:Alexander.Denton@robbinsfirm.com)>, [bbrown@brucepbrownlaw.com](mailto:bbrown@brucepbrownlaw.com) <[bbrown@brucepbrownlaw.com](mailto:bbrown@brucepbrownlaw.com)>, Bryan Jacoutot <[bjacoutot@taylorenghish.com](mailto:bjacoutot@taylorenghish.com)>, [cichter@ichterdavis.com](mailto:cichter@ichterdavis.com) <[cichter@ichterdavis.com](mailto:cichter@ichterdavis.com)>, [cino@khlawfirm.com](mailto:cino@khlawfirm.com) <[cino@khlawfirm.com](mailto:cino@khlawfirm.com)>, Carey Miller <[carey.miller@robbinsfirm.com](mailto:carey.miller@robbinsfirm.com)>, [hknapp@khlawfirm.com](mailto:hknapp@khlawfirm.com) <[hknapp@khlawfirm.com](mailto:hknapp@khlawfirm.com)>, Josh Belinfante <[Josh.Belinfante@robbinsfirm.com](mailto:Josh.Belinfante@robbinsfirm.com)>, Javier Pico-Prats <[javier.picoprats@robbinsfirm.com](mailto:javier.picoprats@robbinsfirm.com)>, [sparks@khlawfirm.com](mailto:sparks@khlawfirm.com) <[sparks@khlawfirm.com](mailto:sparks@khlawfirm.com)>, Kaiser, Mary <[MKaiser@mofo.com](mailto:MKaiser@mofo.com)>, Fisher, Ramsey W. <[RamseyFisher@mofo.com](mailto:RamseyFisher@mofo.com)>, Conaway, Jenna B. <[JConaway@mofo.com](mailto:JConaway@mofo.com)>, Diane LaRoss <[dlaross@taylorenghish.com](mailto:dlaross@taylorenghish.com)>

**Subject:** RE: [1735] Order

**External Email**

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David,

We are asking Mr. Persinger if it is possible for Judge Glanville to move those commitments next week, but it is unlikely given the particular criminal case involved, in which case neither he nor Dr. Gilbert are available until January. In the meantime, we have asked him to see about moving other work commitments the first week of January in order to travel to Ann Arbor. If he is able to move another commitment, we propose having Mr. Persinger and Bryan go one day that first week of January, and Bryan and Dr. Gilbert would go one day the following week for day two of the review. Mr. Persinger has indicated that January 4<sup>th</sup> might be a possibility if he can move a hearing in a habeas petition.

Alternatively, we can have Mr. Persinger, Dr. Gilbert, and Bryan all go on January 12<sup>th</sup> and we will request a continuance of the trial. These options are not ideal for us, but no other options are feasible. We will need to engage the Court on this issue if the options above cannot be agreed upon, so please let us know your position

ASAP.

Thanks,

Vincent

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**Vincent Russo**

T: 404 856 3260 | E: [vrusso@robbinsfirm.com](mailto:vrusso@robbinsfirm.com)

---

**From:** Cross, David D. <[DCross@mofo.com](mailto:DCross@mofo.com)>

**Sent:** Tuesday, December 19, 2023 10:56 AM

**To:** Vincent Russo <[vrusso@robbinsfirm.com](mailto:vrusso@robbinsfirm.com)>; Bryan Tyson <[btyson@taylorenghish.com](mailto:btyson@taylorenghish.com)>; Robert McGuire <[ram@lawram.com](mailto:ram@lawram.com)>; Alexander Denton <[Alexander.Denton@robbinsfirm.com](mailto:Alexander.Denton@robbinsfirm.com)>; [bbrown@brucepbrownlaw.com](mailto:bbrown@brucepbrownlaw.com); Bryan Jacoutot <[bjacoutot@taylorenghish.com](mailto:bjacoutot@taylorenghish.com)>; [cichter@ichterdavis.com](mailto:cichter@ichterdavis.com); [cino@khlawfirm.com](mailto:cino@khlawfirm.com); Carey Miller <[carey.miller@robbinsfirm.com](mailto:carey.miller@robbinsfirm.com)>; [hknapp@khlawfirm.com](mailto:hknapp@khlawfirm.com); Josh Belinfante <[Josh.Belinfante@robbinsfirm.com](mailto:Josh.Belinfante@robbinsfirm.com)>; Javier Pico-Prats <[javier.picoprats@robbinsfirm.com](mailto:javier.picoprats@robbinsfirm.com)>; [sparks@khlawfirm.com](mailto:sparks@khlawfirm.com); Kaiser, Mary <[MKaiser@mofo.com](mailto:MKaiser@mofo.com)>; Fisher, Ramsey W. <[RamseyFisher@mofo.com](mailto:RamseyFisher@mofo.com)>; Conaway, Jenna B. <[JConaway@mofo.com](mailto:JConaway@mofo.com)>; Diane LaRoss <[dlaross@taylorenghish.com](mailto:dlaross@taylorenghish.com)>

**Subject:** RE: [1735] Order

Vincent –

We've offered four dates during the holidays. Dr. Halderman already has had to suffer significant inconvenience to accommodate this exercise during the holidays. Your unwillingness to accommodate even one of the four dates is inconsistent with the Court's direction. If Dr. Halderman can rearrange his schedule for this, as he has, so can members of your team. You've also offered no reason your experts could not have done the inspection this week. Your experts need to prioritize this as Dr. Halderman has or forgo it.

In any event, what dates is your team available this month? Please provide them by 3pm today. This should have gotten worked out yesterday when you provided the names. Your continued refusal to act diligently in getting this done is improper and imposes significant burden on our side. You've had ample time to provide availability and to work with us on a schedule since the Judge ordered this four days ago.

Best,

DC

**DAVID D. CROSS**

**CHAIR OF ANTITRUST LITIGATION PRACTICE**

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---

**From:** Vincent Russo <[vrusso@robbinsfirm.com](mailto:vrusso@robbinsfirm.com)>

**Sent:** Tuesday, December 19, 2023 10:39 AM

**To:** Cross, David D. <[DCross@mofo.com](mailto:DCross@mofo.com)>; Bryan Tyson <[btyson@taylorenghish.com](mailto:btyson@taylorenghish.com)>; Robert McGuire <[ram@lawram.com](mailto:ram@lawram.com)>; Alexander Denton <[Alexander.Denton@robbinsfirm.com](mailto:Alexander.Denton@robbinsfirm.com)>; [bbrown@brucepbrownlaw.com](mailto:bbrown@brucepbrownlaw.com); Bryan Jacoutot <[bjacoutot@taylorenghish.com](mailto:bjacoutot@taylorenghish.com)>; [cichter@ichterdavis.com](mailto:cichter@ichterdavis.com); [cino@khlawfirm.com](mailto:cino@khlawfirm.com); Carey Miller <[carey.miller@robbinsfirm.com](mailto:carey.miller@robbinsfirm.com)>; [hknapp@khlawfirm.com](mailto:hknapp@khlawfirm.com); Josh Belinfante <[Josh.Belinfante@robbinsfirm.com](mailto:Josh.Belinfante@robbinsfirm.com)>; Javier Pico-Prats <[javier.picoprats@robbinsfirm.com](mailto:javier.picoprats@robbinsfirm.com)>; [sparks@khlawfirm.com](mailto:sparks@khlawfirm.com); Kaiser, Mary <[MKaiser@mofo.com](mailto:MKaiser@mofo.com)>; Fisher, Ramsey W. <[RamseyFisher@mofo.com](mailto:RamseyFisher@mofo.com)>; Conaway, Jenna B. <[JConaway@mofo.com](mailto:JConaway@mofo.com)>; Diane LaRoss <[dlaross@taylorenghish.com](mailto:dlaross@taylorenghish.com)>

**Subject:** RE: [1735] Order

**External Email**

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David,

Our recollection is that the Court directed the parties to find two mutually agreeable dates. Looking at the transcript and the Order under seal, the court asked both sides to work together in good faith to find dates that would work, which is what we are trying to do.

We have tried to figure out a way to make your proposed dates work, but due to scheduling conflicts, our team cannot be in Michigan on the dates you have proposed. Jim Persinger has a confidential obligation in an ongoing trial before Judge Glanville in Fulton County Superior Court, and he needs to be in Atlanta on December 26 and 28 for that obligation, which precludes travel to Michigan for the December 27/28 dates you have offered. Mr. Persinger, Dr. Gilbert, and counsel have scheduling conflicts this week also, and Dr. Gilbert is travelling the first week of January. Unfortunately, due to the protocol for our review (who can attend, no sharing of notes, etc.), our hands are tied.

We realize Dr. Halderman has scheduling conflicts on other dates based on your statements in court on Friday. We

do not want to inconvenience Dr. Halderman either. If the dates you have offered are truly the only dates that you will agree to, please confirm.

Thanks,

Vincent

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**Vincent Russo**

T: 404 856 3260 | E: [vrusso@robbinsfirm.com](mailto:vrusso@robbinsfirm.com)

---

**From:** Cross, David D. <[DCross@mofo.com](mailto:DCross@mofo.com)>

**Sent:** Monday, December 18, 2023 2:03 PM

**To:** Vincent Russo <[vrusso@robbinsfirm.com](mailto:vrusso@robbinsfirm.com)>; Bryan Tyson <[btyson@taylorenghish.com](mailto:btyson@taylorenghish.com)>; Robert McGuire <[ram@lawram.com](mailto:ram@lawram.com)>; Alexander Denton <[Alexander.Denton@robbinsfirm.com](mailto:Alexander.Denton@robbinsfirm.com)>; [bbrown@brucepbrownlaw.com](mailto:bbrown@brucepbrownlaw.com); Bryan Jacoutot <[bjacoutot@taylorenghish.com](mailto:bjacoutot@taylorenghish.com)>; [cichter@ichterdavis.com](mailto:cichter@ichterdavis.com); [cino@khlawfirm.com](mailto:cino@khlawfirm.com); Carey Miller <[carey.miller@robbinsfirm.com](mailto:carey.miller@robbinsfirm.com)>; [hknapp@khlawfirm.com](mailto:hknapp@khlawfirm.com); Josh Belinfante <[Josh.Belinfante@robbinsfirm.com](mailto:Josh.Belinfante@robbinsfirm.com)>; Javier Pico-Prats <[javier.picoprats@robbinsfirm.com](mailto:javier.picoprats@robbinsfirm.com)>; [sparks@khlawfirm.com](mailto:sparks@khlawfirm.com); Kaiser, Mary <[MKaiser@mofo.com](mailto:MKaiser@mofo.com)>; Fisher, Ramsey W. <[RamseyFisher@mofo.com](mailto:RamseyFisher@mofo.com)>; Conaway, Jenna B. <[JConaway@mofo.com](mailto:JConaway@mofo.com)>; Diane LaRoss <[dlaross@taylorenghish.com](mailto:dlaross@taylorenghish.com)>

**Subject:** RE: [1735] Order

Thanks, Vincent. Just to avoid any confusion, the four dates we've offered—per the Court's direction—are the only dates that work for us. And we need to hear from you today on which one or two of those dates your team accepts to ensure we make those dates work.

Best,

DC

**DAVID D. CROSS**

**CHAIR OF ANTITRUST LITIGATION PRACTICE**

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**From:** Vincent Russo <[vrusso@robbinsfirm.com](mailto:vrusso@robbinsfirm.com)>

**Sent:** Monday, December 18, 2023 1:46 PM

**To:** Cross, David D. <[DCross@mofo.com](mailto:DCross@mofo.com)>; Bryan Tyson <[btyson@taylorenghish.com](mailto:btyson@taylorenghish.com)>; Robert McGuire <[ram@lawram.com](mailto:ram@lawram.com)>; Alexander Denton <[Alexander.Denton@robbinsfirm.com](mailto:Alexander.Denton@robbinsfirm.com)>; [bbrown@brucepbrownlaw.com](mailto:bbrown@brucepbrownlaw.com); Bryan Jacoutot <[bjacoutot@taylorenghish.com](mailto:bjacoutot@taylorenghish.com)>; [cichter@ichterdavis.com](mailto:cichter@ichterdavis.com); [cino@khlawfirm.com](mailto:cino@khlawfirm.com); Carey Miller <[carey.miller@robbinsfirm.com](mailto:carey.miller@robbinsfirm.com)>; [hknapp@khlawfirm.com](mailto:hknapp@khlawfirm.com); Josh Belinfante <[Josh.Belinfante@robbinsfirm.com](mailto:Josh.Belinfante@robbinsfirm.com)>; Javier Pico-Prats <[javier.picoprats@robbinsfirm.com](mailto:javier.picoprats@robbinsfirm.com)>; [sparks@khlawfirm.com](mailto:sparks@khlawfirm.com); Kaiser, Mary <[MKaiser@mofo.com](mailto:MKaiser@mofo.com)>; Fisher, Ramsey W. <[RamseyFisher@mofo.com](mailto:RamseyFisher@mofo.com)>; Conaway, Jenna B. <[JConaway@mofo.com](mailto:JConaway@mofo.com)>; Diane LaRoss <[dlaross@taylorenghish.com](mailto:dlaross@taylorenghish.com)>

**Subject:** RE: [1735] Order

**External Email**

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David,

We are still coordinating availability, but they cannot go tomorrow. We will let you know as soon as we have dates that work for our team.

Thanks,

Vincent

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**Vincent Russo**

T: 404 856 3260 | E: [vrusso@robbinsfirm.com](mailto:vrusso@robbinsfirm.com)

---

**From:** Cross, David D. <[DCross@mofo.com](mailto:DCross@mofo.com)>

**Sent:** Monday, December 18, 2023 12:09 PM

**To:** Bryan Tyson <[btyson@taylorenghish.com](mailto:btyson@taylorenghish.com)>; Vincent Russo <[vrusso@robbinsfirm.com](mailto:vrusso@robbinsfirm.com)>; Robert McGuire <[ram@lawram.com](mailto:ram@lawram.com)>; Alexander Denton <[Alexander.Denton@robbinsfirm.com](mailto:Alexander.Denton@robbinsfirm.com)>; [bbrown@brucepbrownlaw.com](mailto:bbrown@brucepbrownlaw.com); Bryan Jacoutot <[bjacoutot@taylorenghish.com](mailto:bjacoutot@taylorenghish.com)>; [cichter@ichterdavis.com](mailto:cichter@ichterdavis.com); [cino@khlawfirm.com](mailto:cino@khlawfirm.com); Carey Miller <[carey.miller@robbinsfirm.com](mailto:carey.miller@robbinsfirm.com)>; [hknapp@khlawfirm.com](mailto:hknapp@khlawfirm.com); Josh Belinfante <[Josh.Belinfante@robbinsfirm.com](mailto:Josh.Belinfante@robbinsfirm.com)>; Javier Pico-Prats <[javier.picoprats@robbinsfirm.com](mailto:javier.picoprats@robbinsfirm.com)>; [sparks@khlawfirm.com](mailto:sparks@khlawfirm.com); Kaiser, Mary <[MKaiser@mofo.com](mailto:MKaiser@mofo.com)>; Fisher, Ramsey W. <[RamseyFisher@mofo.com](mailto:RamseyFisher@mofo.com)>; Conaway, Jenna B. <[JConaway@mofo.com](mailto:JConaway@mofo.com)>; Diane LaRoss <[dlaross@taylorenghish.com](mailto:dlaross@taylorenghish.com)>

**Subject:** RE: [1735] Order

Hi Bryan -

We assume your team has decided not to go tomorrow. If you're going on Tuesday, we need to know by 4pm ET today to ensure our folks are prepared. If you're planning to go 12/27-28 instead, we need to know at some point today since our folks will need to rearrange some plans and make necessary arrangements to accommodate that in the midst of the holidays.

Thanks.

DC

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**From:** Cross, David D. <[DCross@mofo.com](mailto:DCross@mofo.com)>

**Date:** Monday, Dec 18, 2023 at 10:47 AM

**To:** Bryan Tyson <[btyson@taylorenghish.com](mailto:btyson@taylorenghish.com)>, Vincent Russo <[vrusso@robbinsfirm.com](mailto:vrusso@robbinsfirm.com)>, Robert McGuire <[ram@lawram.com](mailto:ram@lawram.com)>, Alexander Denton <[Alexander.Denton@robbinsfirm.com](mailto:Alexander.Denton@robbinsfirm.com)>, [bbrown@brucepbrownlaw.com](mailto:bbrown@brucepbrownlaw.com) <[bbrown@brucepbrownlaw.com](mailto:bbrown@brucepbrownlaw.com)>, Bryan Jacoutot <[bjacoutot@taylorenghish.com](mailto:bjacoutot@taylorenghish.com)>, [cichter@ichterdavis.com](mailto:cichter@ichterdavis.com) <[cichter@ichterdavis.com](mailto:cichter@ichterdavis.com)>, [cino@khlawfirm.com](mailto:cino@khlawfirm.com) <[cino@khlawfirm.com](mailto:cino@khlawfirm.com)>, Carey Miller <[carey.miller@robbinsfirm.com](mailto:carey.miller@robbinsfirm.com)>, [hknapp@khlawfirm.com](mailto:hknapp@khlawfirm.com) <[hknapp@khlawfirm.com](mailto:hknapp@khlawfirm.com)>, Josh Belinfante <[Josh.Belinfante@robbinsfirm.com](mailto:Josh.Belinfante@robbinsfirm.com)>, Javier Pico-Prats <[javier.picoprats@robbinsfirm.com](mailto:javier.picoprats@robbinsfirm.com)>, [sparks@khlawfirm.com](mailto:sparks@khlawfirm.com) <[sparks@khlawfirm.com](mailto:sparks@khlawfirm.com)>, Kaiser, Mary <[MKaiser@mofo.com](mailto:MKaiser@mofo.com)>, Fisher, Ramsey W. <[RamseyFisher@mofo.com](mailto:RamseyFisher@mofo.com)>, Conaway, Jenna B. <[JConaway@mofo.com](mailto:JConaway@mofo.com)>, Diane LaRoss <[dlaross@taylorenghish.com](mailto:dlaross@taylorenghish.com)>

**Subject:** RE: [1735] Order

Hi Bryan -

We're available 12/19-20 and 12/27-28. Please let us know today what date(s) your team will do this.

Thanks.

DC

---

**From:** Bryan Tyson <[btyson@taylorenghish.com](mailto:btyson@taylorenghish.com)>

**Date:** Friday, Dec 15, 2023 at 8:28 AM

**To:** Harry Martin <[Harry\\_Martin@gand.uscourts.gov](mailto:Harry_Martin@gand.uscourts.gov)>, Cross, David D. <[DCross@mofo.com](mailto:DCross@mofo.com)>, Vincent Russo <[vrusso@robbinsfirm.com](mailto:vrusso@robbinsfirm.com)>, Robert McGuire <[ram@lawram.com](mailto:ram@lawram.com)>, Alexander Denton <[Alexander.Denton@robbinsfirm.com](mailto:Alexander.Denton@robbinsfirm.com)>, [bbrown@brucepbrownlaw.com](mailto:bbrown@brucepbrownlaw.com) <[bbrown@brucepbrownlaw.com](mailto:bbrown@brucepbrownlaw.com)>, Bryan Jacoutot <[bjacoutot@taylorenghish.com](mailto:bjacoutot@taylorenghish.com)>, [cichter@ichterdavis.com](mailto:cichter@ichterdavis.com) <[cichter@ichterdavis.com](mailto:cichter@ichterdavis.com)>, [cino@khlawfirm.com](mailto:cino@khlawfirm.com) <[cino@khlawfirm.com](mailto:cino@khlawfirm.com)>, Carey Miller <[carey.miller@robbinsfirm.com](mailto:carey.miller@robbinsfirm.com)>, [hknapp@khlawfirm.com](mailto:hknapp@khlawfirm.com) <[hknapp@khlawfirm.com](mailto:hknapp@khlawfirm.com)>, Josh Belinfante <[Josh.Belinfante@robbinsfirm.com](mailto:Josh.Belinfante@robbinsfirm.com)>, Javier Pico-Prats <[javier.picoprats@robbinsfirm.com](mailto:javier.picoprats@robbinsfirm.com)>, [sparks@khlawfirm.com](mailto:sparks@khlawfirm.com) <[sparks@khlawfirm.com](mailto:sparks@khlawfirm.com)>, Kaiser, Mary <[MKaiser@mofo.com](mailto:MKaiser@mofo.com)>, Fisher, Ramsey W. <[RamseyFisher@mofo.com](mailto:RamseyFisher@mofo.com)>, Conaway, Jenna B. <[JConaway@mofo.com](mailto:JConaway@mofo.com)>, Diane LaRoss <[dlaross@taylorenghish.com](mailto:dlaross@taylorenghish.com)>

**Subject:** RE: [1735] Order

**External Email**

Per the Court's docket entry order, attached are the expert reports of Drs. Gilbert and Adida that were provided to Plaintiffs on July 16, 2021 per the scheduling order that was then in place [Doc. 1093]. We have also attached other declarations those experts have submitted in this case that were referenced in the expert reports. Also, while Mr. Persinger is a consulting expert, he has provided two declarations on issues in the case. Defendants attach those declarations as well.

Thanks,

Bryan



**Bryan P. Tyson**

**Taylor English Duma LLP** | 1600 Parkwood Circle, Suite 200, Atlanta, GA 30339

P: 678.336.7249 | M: 404.219.3160 | [btyson@taylorenghish.com](mailto:btyson@taylorenghish.com)

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**From:** Bryan Tyson <[btyson@taylorenghish.com](mailto:btyson@taylorenghish.com)>

**Sent:** Friday, December 15, 2023 7:48 AM

**To:** Harry Martin <[Harry\\_Martin@gand.uscourts.gov](mailto:Harry_Martin@gand.uscourts.gov)>; Cross, David D. <[DCross@mofo.com](mailto:DCross@mofo.com)>; Vincent Russo <[vrusso@robbinsfirm.com](mailto:vrusso@robbinsfirm.com)>; Robert McGuire <[ram@lawram.com](mailto:ram@lawram.com)>; Alexander Denton <[Alexander.Denton@robbinsfirm.com](mailto:Alexander.Denton@robbinsfirm.com)>; [bbrown@brucepbrownlaw.com](mailto:bbrown@brucepbrownlaw.com); Bryan Jacoutot <[bjacoutot@taylorenghish.com](mailto:bjacoutot@taylorenghish.com)>; [cichter@ichterdavis.com](mailto:cichter@ichterdavis.com); [cino@khlawfirm.com](mailto:cino@khlawfirm.com); Carey Miller <[carey.miller@robbinsfirm.com](mailto:carey.miller@robbinsfirm.com)>; [hknapp@khlawfirm.com](mailto:hknapp@khlawfirm.com); Josh Belinfante <[Josh.Belinfante@robbinsfirm.com](mailto:Josh.Belinfante@robbinsfirm.com)>;

Javier Pico-Prats <[javier.picoprats@robbinsfirm.com](mailto:javier.picoprats@robbinsfirm.com)>; [sparks@khlawfirm.com](mailto:sparks@khlawfirm.com); Kaiser, Mary <[MKaiser@mofo.com](mailto:MKaiser@mofo.com)>; Fisher, Ramsey W. <[RamseyFisher@mofo.com](mailto:RamseyFisher@mofo.com)>; Conaway, Jenna B. <[JConaway@mofo.com](mailto:JConaway@mofo.com)>; Diane LaRoss <[dlaross@taylorenghish.com](mailto:dlaross@taylorenghish.com)>

**Subject:** RE: [1735] Order

Mr. Martin and Curling Plaintiffs' counsel:

We have worked with our experts to prepare the protocol required by the Court's order. Defendants' proposed protocol for the provision of Dr. Halderman's data is attached.

Thanks,

Bryan



**Bryan P. Tyson**

**Taylor English Duma LLP** | 1600 Parkwood Circle, Suite 200, Atlanta, GA 30339

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**From:** Harry Martin <[Harry\\_Martin@gand.uscourts.gov](mailto:Harry_Martin@gand.uscourts.gov)>

**Sent:** Thursday, December 14, 2023 3:00 PM

**To:** Bryan Tyson <[btyson@taylorenghish.com](mailto:btyson@taylorenghish.com)>; Cross, David D. <[DCross@mofo.com](mailto:DCross@mofo.com)>; Vincent Russo <[vrusso@robbinsfirm.com](mailto:vrusso@robbinsfirm.com)>; Robert McGuire <[ram@lawram.com](mailto:ram@lawram.com)>; Alexander Denton <[Alexander.Denton@robbinsfirm.com](mailto:Alexander.Denton@robbinsfirm.com)>; [bbrown@brucepbrownlaw.com](mailto:bbrown@brucepbrownlaw.com); Bryan Jacoutot <[bjacoutot@taylorenghish.com](mailto:bjacoutot@taylorenghish.com)>; [cichter@ichterdavis.com](mailto:cichter@ichterdavis.com); [cino@khlawfirm.com](mailto:cino@khlawfirm.com); Carey Miller <[carey.miller@robbinsfirm.com](mailto:carey.miller@robbinsfirm.com)>; [hknapp@khlawfirm.com](mailto:hknapp@khlawfirm.com); Josh Belinfante <[Josh.Belinfante@robbinsfirm.com](mailto:Josh.Belinfante@robbinsfirm.com)>; Javier Pico-Prats <[javier.picoprats@robbinsfirm.com](mailto:javier.picoprats@robbinsfirm.com)>; [sparks@khlawfirm.com](mailto:sparks@khlawfirm.com); Kaiser, Mary <[MKaiser@mofo.com](mailto:MKaiser@mofo.com)>; Fisher, Ramsey W. <[RamseyFisher@mofo.com](mailto:RamseyFisher@mofo.com)>; Conaway, Jenna B. <[JConaway@mofo.com](mailto:JConaway@mofo.com)>; Diane LaRoss <[dlaross@taylorenghish.com](mailto:dlaross@taylorenghish.com)>

**Subject:** RE: [1735] Order

Thank you Mr. Tyson.



Harry F. Martin

Courtroom Deputy Clerk

to the Honorable Amy Totenberg

2388 United States Courthouse

75 Ted Turner Dr., S.W.

Atlanta, Georgia 30303-3309

(404) 215-1437

---

**From:** Bryan Tyson <[btyson@taylorenghish.com](mailto:btyson@taylorenghish.com)>

**Sent:** Thursday, December 14, 2023 2:57 PM

**To:** Harry Martin <[Harry\\_Martin@gand.uscourts.gov](mailto:Harry_Martin@gand.uscourts.gov)>; Cross, David D. <[DCross@mofo.com](mailto:DCross@mofo.com)>; Vincent Russo <[yruzzo@robbinsfirm.com](mailto:yruzzo@robbinsfirm.com)>; Robert McGuire <[ram@lawram.com](mailto:ram@lawram.com)>; Alexander Denton <[Alexander.Denton@robbinsfirm.com](mailto:Alexander.Denton@robbinsfirm.com)>; [bbrown@brucepbrownlaw.com](mailto:bbrown@brucepbrownlaw.com); Bryan Jacoutot <[bjacoutot@taylorenghish.com](mailto:bjacoutot@taylorenghish.com)>; [cichter@ichterdavis.com](mailto:cichter@ichterdavis.com); [cino@khlawfirm.com](mailto:cino@khlawfirm.com); Carey Miller <[carey.miller@robbinsfirm.com](mailto:carey.miller@robbinsfirm.com)>; [hknapp@khlawfirm.com](mailto:hknapp@khlawfirm.com); Josh Belinfante <[Josh.Belinfante@robbinsfirm.com](mailto:Josh.Belinfante@robbinsfirm.com)>; Javier Pico-Prats <[javier.picoprats@robbinsfirm.com](mailto:javier.picoprats@robbinsfirm.com)>; [sparks@khlawfirm.com](mailto:sparks@khlawfirm.com); Kaiser, Mary <[MKaiser@mofo.com](mailto:MKaiser@mofo.com)>; Fisher, Ramsey W. <[RamseyFisher@mofo.com](mailto:RamseyFisher@mofo.com)>; Conaway, Jenna B. <[JConaway@mofo.com](mailto:JConaway@mofo.com)>; Diane LaRoss <[dlaross@taylorenghish.com](mailto:dlaross@taylorenghish.com)>

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Mr. Martin:

Per the Court's order, please find attached the list required by the Order along with the CV/resumes identified.

Thanks,

Bryan



**Bryan P. Tyson**

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**From:** Harry Martin <[Harry\\_Martin@gand.uscourts.gov](mailto:Harry_Martin@gand.uscourts.gov)>

**Sent:** Wednesday, December 13, 2023 5:06 PM

**To:** Cross, David D. <[DCross@mofo.com](mailto:DCross@mofo.com)>; Vincent Russo <[vrusso@robbinsfirm.com](mailto:vrusso@robbinsfirm.com)>; Robert McGuire <[ram@lawram.com](mailto:ram@lawram.com)>; Bryan Tyson <[btyson@taylorenghish.com](mailto:btyson@taylorenghish.com)>; Alexander Denton <[Alexander.Denton@robbinsfirm.com](mailto:Alexander.Denton@robbinsfirm.com)>; [bbrown@brucepbrownlaw.com](mailto:bbrown@brucepbrownlaw.com); Bryan Jacoutot <[bjacoutot@taylorenghish.com](mailto:bjacoutot@taylorenghish.com)>; [cichter@ichterdavis.com](mailto:cichter@ichterdavis.com); [cino@khlawfirm.com](mailto:cino@khlawfirm.com); Carey Miller <[carey.miller@robbinsfirm.com](mailto:carey.miller@robbinsfirm.com)>; [hknapp@khlawfirm.com](mailto:hknapp@khlawfirm.com); Josh Belinfante <[Josh.Belinfante@robbinsfirm.com](mailto:Josh.Belinfante@robbinsfirm.com)>; Javier Pico-Prats <[javier.picoprats@robbinsfirm.com](mailto:javier.picoprats@robbinsfirm.com)>; [sparks@khlawfirm.com](mailto:sparks@khlawfirm.com); Kaiser, Mary <[MKaiser@mofo.com](mailto:MKaiser@mofo.com)>; Fisher, Ramsey W. <[RamseyFisher@mofo.com](mailto:RamseyFisher@mofo.com)>; Conaway, Jenna B. <[JConaway@mofo.com](mailto:JConaway@mofo.com)>; Diane LaRoss <[dlaross@taylorenghish.com](mailto:dlaross@taylorenghish.com)>

**Subject:** [1735] Order

Counsel,

Here is a copy of the order filed this afternoon.

Harry F. Martin

Courtroom Deputy Clerk

to the Honorable Amy Totenberg

2388 United States Courthouse

75 Ted Turner Dr., S.W.

Atlanta, Georgia 30303-3309

(404) 215-1437

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